IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 6822 of 2004(K)

PETITIONER:

KERALA NON-TEACHING STAFF UNION,
VAIDYARATNAM AYURVEDA COLLEGE UNIT,
THAIKKATTUSSERY, OLLUR, THRISSUR, REPRESENTED
BY ITS SECRETARY.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

RESPONDENTS:
---

1. THE STATE OF KERALA REPRESENTED BY
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. VAIDYARATNAM AYURVEDA COLLEGE,
THAIKKATTUSSERY, OLLUR, THRISSUR,
REPRESENTED BY ITS SECRETARY.

3. \HAGYALAKSHMI, LOWER DIVISION CLERK,
VAIDYARATNAM AYURVEDA HOSPITAL, OLLUR, THRISSUR.

4. RAMACHANDRAN, ATTENDER, VAIDYARATNAM
AYURVEDA HOSPITAL, OLLUR, THRISSUR.

5. CALICUT UNIVERSITY REPRESENTED BY
REGISTRAR, CALICUT.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UTY
SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.P.BHASKARAN
GOVERNMENT PLEADER
SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, ALONG WITH WPC NO. 8715 OF 2004 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.6822/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE RELEVANT PORTION OFO THE GOVERNMENT ORDER G.O.(MS)NO.95/85/HD DATED 6-5-1985.

EXT.P2. TRUE COPY OF THE LETTER DATED 7-7-97 OF THE REGISTRAR OF UNIVERSITY OF CALICUT.

EXT.P3. TRUE COPY OF NON-TEACHING STAFF LIST IN THE VAIDYARATNAM AYURVEDA COLLEGE, DTD. 11-7-1997.

EXT.P4. TRUE COPY OF THE CONDITIONS OF SERVICE OF MEMBERS OF NON-TEACHING STAFF IN CALICUT UNIVERSITY FIRST STATUTES.

EXT.P5. TRUE COPY OF THE G.O(MS)186/96/H & FWD DATED 25-3-1996

EXT.P6. TRUE COPY OF THE G.O(MS)NO.337/96 DATED 9-10-96

EXT.P7. TRUE COPY OF THE GO(MS)NO.99/02 H & FWD DATED 25-4-02.

EXT.P8. TRUE COPY OF THE PROVISIONAL SENIORITY LIST OF NON TEACHING STAFF DATED 10-5-1999

EXT.P9. TRUE COPY OF THE G.O(RT)NO.295/2004 H & FWD DATED 30-1-2004.

EXT.P10. TRUE COPY OF THE LETTER ISSUED BY THE MANAGER VAIDHYARATNAM AYURVEDA COLLEGE DATED 23-11-1995.

RESPONDENTS' EXHIBITS:

EXT.R4(a) TRUE COPY OF THE G.O(MS)NO.265/2002/H & FWD OF THE GOVERNMENT.

EXT.R4(b) TRUE COPY OF THE LETTER OF THE MANAGER.

EXT.R4(c) TRUE COPY OF THE G.O(MS)NO.145/99/H & FWD OF THE GOVERNMENT.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)Nos.6822 & 8715 of 2004

Dated this the 30th day of July, 2007

JUDGMENT

Petitioners approached this court with certain grievances regarding promotions effected in the second respondent college. In the counter affidavit filed on behalf of the State it is submitted that the college does not come under the administrative control of the Director of Collegiate Education and that the promotions effected are from the common seniority list and as per the University statutes. In case the petitioners have any dispute regarding the common seniority list, it is for the petitioners to approach the Government as stated in the counter affidavit. In the event of the petitioners thus approaching the Government, the matter will be duly considered by the Government with notice to the petitioners and any other affected party and appropriate action in accordance with law thereon will be taken within another four months. It is also made clear that in case the petitioners have any dispute with regard to the norms followed in the matter of promotion, it will be open to them to approach the

University in which case the University will look into the matter with notice to the petitioners and other affected parties and appropriate orders in accordance with law thereon will be passed within another four months.

The writ petitions are disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.